

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LESTER A. YORGEY,
Plaintiff,

v.
MICHAEL J. ASTRUE, Commissioner
of Social Security,
Defendant.

CIVIL ACTION

No. 11-5095

ORDER

AND NOW, this 28th day of February, 2012, upon careful and independent consideration of Yorgey's Request for Review (ECF Nos. 1, 7), the parties' briefing, and for the reasons discussed in the accompanying Memorandum, it is hereby ORDERED:

(1) Yorgey's Request for Review is DENIED insofar as it seeks judgment as a matter of law and GRANTED insofar as it seeks vacatur and remand on the grounds recognized in the accompanying Memorandum.

(2) The August 10, 2009 decision of the Administrative Law Judge is AFFIRMED in part and VACATED in part.

(3) The case is REMANDED for further proceedings consistent with this Order and Memorandum, pursuant to the fourth sentence of 42 U.S.C. § 405(g).

(4) The Clerk of Court is directed to mark the case as CLOSED for statistical purposes.

BY THE COURT:

s/Michael M. Baylson

Michael M. Baylson, U.S.D.J.